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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,195	02/03/2004	Curtis Priem	019680-004210US	4221
45890 7590 05/29/2008 TOWNSEND AND TOWNSEND AND CREW LLP TWO EMBARCADERO CENTER 8TH FLOOR SAN FRANCISCO, CA 94111-3834				
EXAMINER				
NGUYEN, PHU K				
ART UNIT		PAPER NUMBER		
2628				
MAIL DATE		DELIVERY MODE		
05/29/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/772,195

**Applicant(s)**

PRIEM, CURTIS

**Examiner**

Phu K. Nguyen

**Art Unit**

2628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-40 are rejected under 35 U.S.C. 102(b) as being anticipated by Loughmiller et al. (4,914,605).

As per claim 1, Loughmiller teaches the claimed "system for adjusting display data orientation," said system including "graphics circuitry configured to send and receive control signals over a set of control lines, said exchange governed by a communication protocol" (Loughmiller, column 12, lines 27-34); "the graphics circuitry configured to request orientation information via the set of control lines upon detecting a modulation of the set of control lines that is undefined by said communication protocol" (Loughmiller, column 5, lines 39-66 ); and "the graphics circuitry configured to adjust an orientation of display data by reference to the orientation information upon receiving said orientation information via the set of control lines" (Loughmiller, column 4, lines 31-57; column 8, lines 54-68).

#### RESPONSE TO APPLICANT'S ARGUMENTS:

Applicant's arguments filed March 5, 2008 have been fully considered but they are not deemed to be persuasive.

Applicant argues that Loughmiller does not teach "a modulation of the set of control lines that is undefined by said communication protocol". Loughmiller's control console means 44 is equivalent to the claimed "communication protocol", and Loughmiller's display circuitry 40 is equivalent to the claimed "graphics circuitry." All the orientation information from the sensors 18 and 28 sent to the interface circuitry card 32 and the display circuitry 40 to modify the image's orientation without an involvement of the control console 44; in other words, these modulation of the control lines is equivalent to the claimed "that is undefined by said communication protocol." Applicant should specifically put out a description of "undefined by the communication protocol" in the claim to distinguish a broadly interpreted feature of "undefined by a communication protocol." Accordingly, the claimed invention as represented in the claims does not represent a patentable distinction over the art of record.

Claim 2 adds into claim 1 the set of control lines comprises a data line and a clock line which is inherent for a computer system such as IBM personal computer with data line and clock line (column 11, lines 41-47).

Claim 3 adds into claim 1 "the modulation comprises a modulation of the data line" which is inherent for a computer system such as IBM personal computer with data line and clock line (column 11, lines 41-47).

Claim 4 adds into claim 2 "the modulation comprises a modulation of the clock line" which is inherent for a computer system such as IBM personal computer with data

line and clock line (column 11, lines 41-47).

Claim 5 adds into claim 2 "an adjustment of a state of the data line while the clock line is maintained in a logic HIGH state" which is inherent for the clock control in any computer system such as IBM personal computer with data line and clock line (column 11, lines 41-47).

Claim 6 adds into claim 1 "the graphics circuitry comprises a graphics card" (Loughmiller, display circuitry 40; column 12, lines 17-21).

Claim 7 adds into claim 1 "the graphics circuitry is housed in a computing device, said computing device generating the display data, said display data transmitted over a data line separate from the set of control lines" (Loughmiller, the system 10, column 12, lines 6-26).

Claim 8 adds into claim 7 "the set of control lines connect the graphics circuitry to a display device; the data line also connects the graphics circuitry so that said display device displays said display data" (Loughmiller, display means 36).

Claim 9 adds into claim 8 "the display device comprises a cathode ray tube display" which is inherent to Loughmiller's display means 36.

Claim 10 adds into claim 8 "the display device comprises fiat panel display.

Claim 11 adds into claim 1 “the communication protocol comprises the digital display channel standard promulgated by the video electronics standards association” which is inherent to Loughmiller’s display means 36.

Due to the similarity of claims 12-23 to claims 1-11 with the communication protocol (Loughmiller, the communicate protocol on the system 10); therefore, they are rejected under the same reason.

Claims 24-34 and 35-40 claim a system with similar function of rotating the display means (Loughmiller, column 8, lines 54-68); therefore, they are rejected under the same reason.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phu K. Nguyen whose telephone number is (571) 272 7645. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on (571) 272 7664. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Phu K. Nguyen/  
Primary Examiner, Art Unit 2628